

## REMARKS

Claims 15-19 are pending in the present application and stand rejected. The Examiner's reconsideration is respectfully requested in view of the following remarks.

Claims 15-19 stand rejected under 35 U.S.C. § 112, second paragraph. The recited claims have been amended to correct the minor editorial errors. Withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Claims 15, 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kaganowicz (U.S. Patent No. 5,011,268) (hereinafter "Kaganowicz"). Claims 15-16, 18-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Onuma et al. (U.S. Patent No. 5,353,141) (hereinafter "Onuma").

Claim 15 claims, *inter alia*, "the constituent materials having a stoichiometric relationship *configured to provide a given pretilt angle*." The Office Action relies on inherency to reject this portion of claim 15. Before proceeding further, it should first be noted that inherency must be an *inevitable* result and not merely a possibility. *See In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981).

In three separate sections, the Office Action states that "[t]he constituent materials...which have a stoichiometric relationship (claim 15) inherently configured to provide a given pretilt angle, as disclosed in Applicant's specification."

Page 13, lines 10-20 of the Applicants' specification discloses the introduction of an  $\text{SiO}_y\text{N}_z$  layer, *where y and z are adjusted to provide a pretilt angle between about 0 and one degree*. The recited portions of Kaganowicz and Onuma do not disclose introducing an amount of material for *adjusting* the stoichiometric ratio (e.g., y and z) to provide the given pretilt angle. Thus, it logically cannot be said that the *inevitable* result of

Kaganowicz is that the constituent materials are inherently “*configured to provide a given pretilt angle*” without “introducing an *amount of material to adjust a stoichiometric ratio* of the constituent materials,” as claimed in claim 15.

Page 12, lines 20-25 of the Applicants’ specification discloses a sputtering process employing a larger target area for carbon to provide a predetermined amount of carbon in the SiC alignment layer. The recited portions of Onuma do not disclose a sputtering process employing a larger area for carbon to provide a predetermined amount of carbon in the SiC alignment layer. Thus, it logically cannot be said that the *inevitable* result of Onuma is that the constituent materials, without anything further, are inherently “*configured to provide a given pretilt angle*,” as claimed in claim 15.

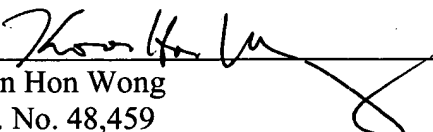
Accordingly, independent claim 15 is believed to be patentably distinguishable over Kaganowicz and Onuma. Dependent claims 16-19 are believed to be allowable for at least the reasons given for claim 15. Withdrawal of the rejection of claims 15-19 under 35 U.S.C. §102(b) is respectfully requested.

With regards to claim 20, the recited portions of Kaganowicz and Onuma do not disclose “non-rubbing ion beam irradiation is employed on the surface of the alignment layer to control the uniformity of the pretilt angle.” Thus, claim 20 is believed to be allowable.

In view of the foregoing remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration is respectfully requested.

Respectfully submitted,

By:

  
Koon Hon Wong  
Reg. No. 48,459  
Attorney for Applicants

F. CHAU & ASSOCIATES, LLC  
130 Woodbury Road  
Woodbury, NY 11797  
Telephone: (516) 692-8888  
Facsimile: (516) 692-8889